

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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BILL DRAFT 2009-RWz-28 [v.9] (04/27)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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Short Title: Motor Vehicles Law Changes. (Public)

Sponsors: Unknown.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLES LAWS .
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 20-3 reads as rewritten:

5 "**§ 20-3. Organization of Division.**

6 The Commissioner, subject to the approval of the Secretary of the Department of
7 Transportation, shall organize and administer the Division in such manner as he may deem
8 necessary to conduct the work of the Division." The Commissioner shall have authority to
9 transfer employees of the Division, upon request of the employee, from one locality in the State
10 to another as the Commissioner may deem necessary. Any transfers under this section shall be
11 to a position in the same salary grade as the position the employee is leaving."

12 **SECTION 2.** G.S. 20-7(f) reads as rewritten:

13 "(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
14 pursuant to the provisions of this subsection:

15 (1) Duration of license for persons under age 18. – A full provisional license
16 issued to a person under the age of 18 expires on the person's twenty-first
17 birthday.

18 (2) Duration of original license for persons at least 18 years of age or older. – A
19 drivers license issued to a person at least 18 years old but less than 54 years
20 old expires on the birthday of the licensee in the eighth year after issuance.
21 A drivers license issued to a person at least 54 years old expires on the
22 birthday of the licensee in the fifth year after issuance. A commercial driver
23 license shall expire on the birth date of the licensee in the fifth year after
24 issuance. A commercial drivers license that has a vehicles carrying
25 passengers (P) and school bus (S) endorsement issued pursuant to G.S.
26 20-37.16 shall expire on the birth date of the licensee three years after the
27 date of issuance, if the licensee is certified to drive a school bus in North
28 Carolina.

29 (2a) Duration of renewed licenses. – A renewed drivers license that was issued
30 by the Division to a person at least 18 years old but less than 54 years old
31 expires eight years after the expiration date of the license that is renewed. A
32 renewed drivers license that was issued by the Division to a person at least
33 54 years old expires five years after the expiration date of the license that is

1 renewed. A commercial driver license shall expire on the birth date of the
2 licensee in the fifth year after issuance.

3 (3) Duration of license for certain other drivers. – The durations listed in
4 subdivisions (1), (2) and (2a) of this subsection are valid unless the Division
5 determines that a license of shorter duration should be issued when the
6 applicant holds valid documentation issued by, or under the authority of, the
7 United States government that demonstrates the applicant's legal presence of
8 limited duration in the United States. In no event shall a license of limited
9 duration expire later than the expiration of the authorization for the
10 applicant's legal presence in the United States.

11 (3a) When to renew. – A person may apply to the Division to renew a license
12 during the 180-day period before the license expires. The Division may not
13 accept an application for renewal made before the 180-day period begins.

14 (3b) Renewal for certain members of the Armed Forces and reserve components
15 of the Armed Forces.

16 a. The Division may renew a drivers license, without limitation on the
17 period of time before the license expires, if the person applying for
18 renewal is a member of the Armed Forces or of a reserve component
19 of the Armed Forces of the United States and provides orders that
20 place the member on active duty and duty station outside this State.

21 b. A person who is a member of a reserve component of the Armed
22 Forces of the United States whose license bears an expiration date
23 that occurred while the person was on active duty outside this State
24 shall be considered to have a valid license until 60 days after the date
25 of release from active duty upon showing proof of the release date,
26 unless the license was rescinded, revoked, or otherwise invalidated
27 under some other provision of law. Notwithstanding the provisions of
28 this sub-subdivision, no license shall be considered valid more than
29 18 months after the date of expiration.

30 (4) Renewal by mail. – The Division may renew by mail a drivers license issued
31 by the Division to a person who meets any of the following descriptions:

32 a. Is a member of the Armed Forces or a reserve component of the
33 Armed Forces of the United States serving on active duty and is
34 stationed outside this State.

35 b. Is a resident of this State and has been residing outside the State for
36 at least 30 continuous days.

37 When renewing a license by mail, the Division may waive the examination
38 that would otherwise be required for the renewal and may impose any
39 conditions it finds advisable. A license renewed by mail is a temporary
40 license that expires 60 days after the person to whom it is issued returns to
41 this State.

42 (5) License to be sent by mail. – The Division shall issue to the applicant a
43 temporary driving certificate valid for 20 days, unless the applicant is
44 applying for renewal by mail under subdivision (4) of this subsection. The
45 temporary driving certificate shall be valid for driving purposes only and
46 shall not be valid for identification purposes. The Division shall produce the
47 applicant's drivers license at a central location and send it to the applicant by
48 first-class mail at the residence address provided by the applicant, unless the
49 applicant is ineligible for mail delivery by the United States Postal Service at
50 the applicant's residence. If the United States Postal Service documents that
51 it does not deliver to the residential address provided by the applicant, and

1 the Division has verified the applicant's residential address by other means,
 2 the Division may mail the drivers license to the post office box provided by
 3 the applicant. Applicants whose only mailing address prior to July 1, 2008,
 4 was a post office box in this State may continue to receive their license at
 5 that post office box, provided the applicant's residential address has been
 6 verified by the Division."

7 **SECTION 3.** G.S. 20-64.2 is repealed.

8 *current text of G.S. 20-64:*

9 **§ 20-64.2. Permit for emergency use of registration plate.**

10 *The Commissioner may, if in his opinion it is equitable, grant to the licensee a special permit for the use of a*
 11 *registration plate on a vehicle other than the vehicle for which the plate was issued, when the vehicle for which*
 12 *such plate was issued is undergoing repairs in a regular repair shop or garage.*

13 *Application for such permit shall be made on forms provided by the Division and must show, in addition to*
 14 *such other information as may be required by the Commissioner, that an emergency exists which would warrant*
 15 *the issuance of such permit.*

16 *Such permit shall be evidenced by a certificate issued by the Commissioner and which shall show the time of*
 17 *issuance, the person to whom issued, the motor number, serial number or identification number of the vehicle on*
 18 *which such plate is to be used and shall be in the immediate possession of the person operating such vehicle at all*
 19 *times while operating the same. And such certificate shall be valid only so long as the vehicle for which the*
 20 *registration plate has been issued shall remain in the repair shop or garage but not to exceed a period of 20 days*
 21 *from its issuance. The person to whom the permit provided in this section is issued shall be liable for any*
 22 *additional license fees or penalties that might accrue by reason of the provisions of G.S. 20-86 and 20-96 of the*
 23 *General Statutes.*

24 **SECTION 4.** G.S. 20-79 reads as rewritten:

25 **"§ 20-79. Dealer license plates.**

26 (a) **How to Get a Dealer Plate.** – The Division may issue a person licensed under
 27 Article 12 of this Chapter the appropriate classification of dealer license plate. A person
 28 eligible for a dealer license plate may obtain one by filing an application with the Division and
 29 paying the required fee. An application must be filed on a form provided by the Division. The
 30 required fee is the amount set by G.S. 20-87(7).

31 (b) **Number of Plates.** – A dealer who was licensed under Article 12 of this Chapter for
 32 the previous 12-month period ending December 31 may obtain the number of dealer license
 33 plates allowed by the following table; the number allowed is based on the number of motor
 34 vehicles the dealer sold during the relevant 12-month period and the average number of
 35 qualifying sales representatives the dealer employed during that same 12-month period:

36
 37 Vehicles Sold In Relevant
 38 12-Month Period

Maximum Number of Plates

39 Fewer than 12

4 3

40 At least 12 but less than 25

4 6

41 At least 25 but less than 37

5 7

42 At least 37 but less than 49

6 8

43 49 or more

44 At least ~~6~~ 8, but no more than ~~4~~ 5 times the
 45 average number of qualifying sales representatives
 46 employed by the dealer during the relevant
 47 12-month period.

48 A dealer who was not licensed under Article 12 of this Chapter for part or all of the
 49 previous 12-month period ending December 31 may obtain the number of dealer license plates
 50 that equals four times the number of qualifying sales representatives employed by the dealer on
 51 the date the dealer files the application. A "qualifying sales representative" is a sales
 52 representative who works for the dealer at least 25 hours a week on a regular basis and is
 53 compensated by the dealer for this work.

1 A dealer who sold fewer than 49 motor vehicles the previous 12-month period ending
2 December 31 but has sold at least that number since January 1 may apply for additional dealer
3 license plates at any time. The maximum number of dealer license plates the dealer may obtain
4 is the number the dealer could have obtained if the dealer had sold at least 49 motor vehicles in
5 the previous 12-month period ending December 31.

6 A dealer who applies for a dealer license plate must certify to the Division the number of
7 motor vehicles the dealer sold in the relevant period. Making a material misstatement in an
8 application for a dealer license plate is grounds for the denial, suspension, or revocation of a
9 dealer's license under G.S. 20-294.

10 A dealer engaged in the alteration and sale of specialty vehicles may apply for up to two
11 dealer plates in addition to the number of dealer plates that the dealer would otherwise be
12 entitled to under this section.

13 This subsection does not apply to manufacturers licensed under Article 12 of this Chapter.

14 (c) Form and Duration. – A dealer license plate is subject to G.S. 20-63, except for the
15 requirement that the plate display the registration number of a motor vehicle and the
16 requirement that the plate be a "First in Flight" plate. A dealer license plate must have a
17 distinguishing symbol identifying the plate as a dealer license plate. The symbol may vary
18 depending upon the classification of dealer license plate issued. The Division must provide
19 suitably reduced sized license plates for motorcycle dealers and manufacturers.

20 A dealer license plate is issued for a period of one year. The Division shall vary the
21 expiration dates of dealer registration renewals so that an approximately equal number expires
22 at the end of each month, quarter, or other period consisting of one or more months. A dealer
23 license plate may be transferred from one vehicle to another. When the Division issues a dealer
24 plate, it may issue a registration that expires at the end of any monthly interval. When one of
25 the following occurs, a dealer must surrender to the Division all dealer license plates issued to
26 the dealer:

- 27 (1) The dealer surrenders the license issued to the dealer under Article 12 of this
28 Chapter.
- 29 (2) The Division suspends or revokes the license issued to the dealer under
30 Article 12 of this Chapter.
- 31 (3) The Division rescinds the dealer license plates because of a violation of the
32 restrictions on the use of a dealer license plate.

33 To obtain a dealer license plate after it has been surrendered, the dealer must file a new
34 application for a dealer license plate and pay the required fee for the plate.

35 (d) Restrictions on Use. – A dealer license plate or dealer transporter plate may be
36 displayed only on a motor vehicle that meets all of the following requirements:

- 37 (1) Is part of the inventory of the dealer.
- 38 (2) Is not consigned to the dealer.
- 39 (3) Is covered by liability insurance that meets the requirements of Article 9A of
40 this Chapter.
- 41 (4) Is not used by the dealer in another business in which the dealer is engaged.
- 42 (5) Is driven on a highway by a person who meets one of the following
43 descriptions:
 - 44 a. Has a demonstration permit to test-drive the motor vehicle and
45 carries the demonstration permit while driving the motor vehicle.
 - 46 b. Is an officer or sales representative of the dealer and is driving the
47 vehicle for a business purpose of the dealer.
 - 48 c. Is an employee of the dealer and is driving the vehicle in the course
49 of employment.
 - 50 d. Is an employee of the dealer, or an employee of a business contracted
51 by the dealer to pick up and repair or otherwise prepare for sale, a

1 vehicle that is part of the inventory of the dealer. Where the vehicle
2 is being repaired or prepared for sale, the vehicle may only be
3 operated within a 10 mile radius of the place where it is being
4 repaired or prepared for sale.

5 e. Is an employee or contractor of the dealer when transporting a
6 vehicle that is part of the inventory of the dealer when the vehicle is
7 being transported to or from a vehicle auction, or transporting a
8 vehicle that is part of the inventory of the dealer to the dealer's
9 established saleroom.

10 f. A dealer transporter plate shall not be used for purposes of
11 subsections (a), (b), and (c) of this section.

12 (6) A copy of the registration card for the dealer plate or dealer transporter plate
13 issued to the dealer is carried by the person operating the motor vehicle or, if
14 the person is operating the motor vehicle in this State, the registration card is
15 maintained on file at the dealer's address listed on the registration card, and
16 the registration card must be able to be produced within 24 hours upon
17 request of any law enforcement officer.

18 A dealer may issue a demonstration permit for a motor vehicle to a person licensed to drive
19 that type of motor vehicle. A demonstration permit authorizes each person named in the permit
20 to drive the motor vehicle described in the permit for up to 96 hours after the time the permit is
21 issued. A dealer may, for good cause, renew a demonstration permit for one additional 96-hour
22 period.

23 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the disposal
24 of a person except as authorized by this subsection.

25 (e) Sanctions. – The following sanctions apply when a motor vehicle displaying a
26 dealer license plate or a dealer transporter plate is driven in violation of the restrictions on the
27 use of the plate:

28 (1) The individual driving the motor vehicle is responsible for an infraction and
29 is subject to a penalty of fifty dollars (\$50.00).

30 (2) The dealer to whom the plate is issued is subject to a civil penalty imposed
31 by the Division of two hundred dollars (\$200.00).

32 (3) The Division may rescind all dealer license plates and dealer transporter
33 plates issued to the dealer whose plate was displayed on the motor vehicle.

34 A penalty imposed under subdivision (1) of this subsection is payable to the county where
35 the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision
36 (2) of this subsection shall be credited to the Highway Fund as nontax revenue.

37 (f) Transfer of Dealer Registration. – No change in the name of a firm, partnership or
38 corporation, nor the taking in of a new partner, nor the withdrawal of one or more of the firm,
39 shall be considered a new business; but if any one or more of the partners remain in the firm, or
40 if there is change in ownership of less than a majority of the stock, if a corporation, the business
41 shall be regarded as continuing and the dealers' plates originally issued may continue to be
42 used.

43 (g) Penalties. – The clear proceeds of all civil penalties, civil forfeitures, and civil fines
44 that are collected by the Department of Transportation pursuant to this section shall be remitted
45 to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

46 (h) Definition. – For purposes of this section, the term "dealer" means a person who is
47 licensed under Article 12 of this Chapter."

48 **SECTION 5.** G.S. 20-79.2 reads as rewritten:

49 "**§ 20-79.2. Transporter plates.**

50 (a) Who Can Get a Plate. – A person engaged in a business or a dealer licensed
51 pursuant to Article 12 of this Chapter requiring the limited operation of a motor vehicle for any

1 of the following purposes may obtain a transporter plate authorizing the movement of the
2 vehicle for the specific purpose:

- 3 (1) To facilitate the manufacture, construction, rebuilding, or delivery of new or
4 used truck cabs or bodies between manufacturer, dealer, seller, or purchaser.
 - 5 (2) To repossess a motor vehicle. Any applicant for a transporter tag pursuant to
6 this subsection shall show proof of garage liability insurance coverage as
7 required by Article 9A of this Chapter. Issuance of a transporter plate for this
8 purpose shall be limited to a financial institution to repossess a motor vehicle
9 of which they are the recorded lienholder.
 - 10 (3) To pick up a motor vehicle that is to be repaired or otherwise prepared for
11 sale by a dealer, to road-test the vehicle, if it is repaired, within a 10-mile
12 radius of the place where it is repaired, and to deliver the vehicle to the
13 dealer. Issuance of a transporter plate for this purpose shall be limited to
14 licensed dealers.
 - 15 (4) To move a motor vehicle that is owned by the business and is a replaced
16 vehicle offered for sale. Issuance of a transporter plate for this purpose shall
17 be limited to licensed dealers.
 - 18 (5) To take a motor vehicle either to or from a motor vehicle auction where the
19 vehicle will be or was offered for sale. Issuance of a transporter plate for this
20 purpose shall be limited to licensed dealers.
 - 21 (6) To road-test a repaired truck whose GVWR is at least 15,000 pounds when
22 the test is performed within a 10-mile radius of the place where the truck
23 was repaired and the truck is owned by a person who has a fleet of at least
24 five trucks whose GVWRs are at least 15,000 pounds and who maintains the
25 place where the truck was repaired. Any applicant for a transporter plate
26 pursuant to this subsection shall show proof of garage liability insurance
27 coverage as required by Article 9A of this Chapter.
 - 28 (7) To move a mobile office, a mobile classroom, or a mobile or manufactured
29 ~~home~~, home, or to transport a newly manufactured travel trailer, fifth-wheel
30 trailer, or camping trailer between a manufacturer and a dealer. Any
31 transporter plate used for this purpose shall not be used on the power unit.
 - 32 (8) To drive a motor vehicle that is at least ~~25~~³⁵ years old to and from a parade
33 or another public event and to drive the motor vehicle in that event. A person
34 who owns a motor vehicle that is at least ~~25~~³⁵ years old is considered to be
35 in the business of collecting those vehicles. These vehicle shall be titled in
36 this State, and have proof of insurance as required under Article 9A of this
37 Chapter.
 - 38 (9) To drive a motor vehicle that is part of the inventory of a dealer to and from
39 a motor vehicle trade show or exhibition or to, during, and from a parade in
40 which the motor vehicle is used. Issuance of a transporter plate for this
41 purpose shall be limited to licensed dealers.
 - 42 (10) To drive special mobile equipment in any of the following circumstances:
 - 43 a. From the manufacturer of the equipment to a facility of a dealer.
 - 44 b. From one facility of a dealer to another facility of a dealer.
 - 45 c. From a dealer to the person who buys the equipment from the dealer.
- 46 (b) How to Get a Plate. – A ~~person~~^{business} may obtain a transporter plate by filing an
47 application with the Division and paying the required fee. An application must be on a form
48 provided by the Division and contain the information required by the Division. The fee for a
49 transporter plate is one-half the fee set in G.S. 20-87(5) for a passenger motor vehicle of not
50 more than 15 passengers.

1 (b1) Number of Plates. – The total number of dealer transporter and or dealer plates
2 issued to a dealer may not exceed the total number of ~~dealer~~ plates that can be issued to the
3 dealer under G.S. 20-79(b). ~~This restriction does not apply to a person who is not a dealer.~~
4 Transporter plates issued to a dealer shall bear the words "Dealer-Transporter. This subsection
5 shall not apply to a person who is not a dealer."

6 (b2) Sanctions. – The following sanctions apply when a motor vehicle displaying a
7 "Dealer-Transporter" or "Transporter" license plate is driven in violation of the restrictions on
8 the use of the plate or in violation of the requirements for financial responsibility in subsections
9 (d) or (e) of this section:

- 10 (1) The individual driving the motor vehicle is responsible for an infraction and
11 is subject to a penalty of ~~fifty dollars (\$50.00).~~ one hundred dollars
12 (\$100.00).
- 13 (2) ~~The dealer, person, dealer or business~~ to whom the plate is issued is subject
14 to a civil penalty imposed by the Division of ~~two hundred dollars (\$200.00).~~
15 two hundred and fifty dollars (\$250.00) per occurrence.
- 16 (3) The Division ~~may~~ shall rescind all dealer license plates or transporter plates
17 issued to the ~~dealer~~ dealer or business whose plate was displayed on the
18 motor vehicle.
- 19 (4) Any person or business who sells, rents, leases or otherwise provides a
20 transporter plate to another person or business in exchange for money or any
21 other thing of value shall be guilty of a Class I felony. Any conviction for
22 violation of this subsection shall be considered a felony involving moral
23 turpitude for purposes of G.S. 20-294.

24 A penalty imposed under subdivision (1) of this subsection is payable to the county where
25 the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision
26 (2) of this subsection shall be credited to the Highway Fund as nontax revenue. A law
27 enforcement officer having probable cause to believe that a transporter plate is being used in
28 violation of this section may seize the plate.

29 (c) Form, Duration, and Transfer. – ~~A transporter plate is a type of commercial license~~
30 ~~plate. A transporter plate issued to a dealer is issued on a fiscal year basis. A transporter plate~~
31 ~~issued to a person who is not a dealer is issued on a calendar year basis. A transporter license~~
32 plate is subject to G.S. 20-63, except for the requirement that the plate display the registration
33 number of a motor vehicle and the requirement that the plate be a "First in Flight" plate. A
34 transporter license plate shall have a distinguishing symbol identifying the plate as a transporter
35 license plate. The symbol may vary depending upon the classification of transporter license
36 plate issued. A transporter license plate is issued for a period of one year. The Division shall
37 vary the expiration dates of transporter registration renewals so that an approximately equal
38 number expires at the end of each month, quarter, or other period consisting of one or more
39 months. When the Division issues a transporter plate, it may issue a registration that expires at
40 the end of any monthly interval. During the year for which it is issued, a ~~person~~ business or
41 dealer may transfer a transporter plate from one vehicle to another as long as the vehicle is
42 driven only for a purpose authorized by subsection (a) of this section. The Division ~~may~~ shall
43 rescind a transporter plate that is displayed on a motor vehicle driven for a purpose that is not
44 authorized by subsection (a) of this section.

45 (d) A county may obtain one transporter plate, without paying a fee, by filing an
46 application with the Division on a form to be provided by the Division. A transporter plate
47 issued pursuant to this subsection may only be used to transport motor vehicles as part of a
48 program established by the county to receive donated motor vehicles and make them available
49 to low-income individuals.

50 If a motor vehicle is operated on the highways of this State using a transporter plate
51 authorized by this section, all of the following requirements shall be met:

- 1 (1) The driver of the vehicle shall have in his or her possession the certificate of
2 title for the motor vehicle, which has been properly reassigned by the
3 previous owner to the county or the affected donor program.
4 (2) The vehicle shall be covered by liability insurance that meets the
5 requirements of Article 9A of this Chapter.

6 The form and duration of the transporter plate shall be as provided in subsection (c) of this
7 section.

8 (e) Any vehicle being operated on the highways of this state using a transporter plate
9 shall be covered by liability insurance that meets the requirement of Article 9A of this
10 Chapter."

11 **SECTION 6.** G.S. 20-79.7(a) reads as rewritten:

12 **"§ 20-79.7. Fees for special registration plates and distribution of the fees.**

13 (a) Fees. – Upon request, the Division shall provide and issue free of charge ~~one~~
14 ~~registration plate~~ a single Legion of Valor, 100% Disabled Veteran, and Ex-Prisoner of War
15 plates registration plate to a recipient of a Legion of Valor award, a 100% disabled veteran, and
16 an ex-prisoner of war. All other special registration plates, ~~including additional Legion of~~
17 ~~Valor, 100% Disabled Veteran, and Ex-Prisoner of War plates,~~ plates are subject to the regular
18 motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the
19 following amount:

20 ..."

21 **SECTION 7 .** G.S. 20-85.1 reads as rewritten:

22 **"§ 20-85.1. Registration by mail; one-day title service; fees.**

23 (a) The owner of a vehicle registered in North Carolina may renew that vehicle
24 registration by mail. ~~A postage and handling fee of one dollar (\$1.00) per vehicle to be~~
25 ~~registered shall be charged for this service.~~

26 (b) The Commissioner and the employees of the Division designated by the
27 Commissioner may prepare and deliver upon request a certificate of title, charging a fee of
28 seventy-five dollars (\$75.00) for one-day title service, in lieu of the title fee required by G.S.
29 20-85(a). The fee for one-day title service must be paid by cash or by certified check. This fee
30 shall be credited to the Highway Trust Fund.

31 ~~(c) The fee collected under subsection (a) shall be credited to the Highway Fund. The~~
32 ~~fee collected under subsection (b) shall be credited to the Highway Trust Fund."~~

33 **SECTION 8.** G.S. 20-88.02 is repealed.

34 *Current text of G.S. 20-88.02:*

35 **§ 20-88.02. Registration of logging vehicles.**

36 *Upon receipt of an application on a form prescribed by it, the Division shall register trucks, tractor trucks,*
37 *trailers, and semitrailers used exclusively in connection with logging operations in a separate category. For the*
38 *purposes of this section, "logging" shall mean the harvesting of timber and transportation from a forested site to*
39 *places of sale.*

40 *Fees for the registration of vehicles under this section shall be the same as those ordinarily charged for the*
41 *type of vehicle being registered.*

42 **SECTION 9.** G.S. 20-130.1 reads as rewritten:

43 **"§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

44 (a) It is unlawful for any person to install or activate or operate a red light in or on any
45 vehicle in this State. As used in this subsection, unless the context requires otherwise, "red
46 light" means an operable red light not sealed in the manufacturer's original package which: (i)
47 is designed for use by an emergency vehicle or is similar in appearance to a red light designed
48 for use by an emergency vehicle; and (ii) can be operated by use of the vehicle's battery,
49 vehicle's electrical system, or a dry cell battery. As used in this subsection, the term "red light"
50 shall also mean any forward facing red light installed on a vehicle after initial manufacture of
51 the vehicle.

52 (b) The provisions of subsection (a) of this section do not apply to the following:

- 1 (1) A police car;
- 2 (2) A highway patrol car;
- 3 (3) A vehicle owned by the Wildlife Resources Commission and operated
- 4 exclusively for law-enforcement purposes;
- 5 (4) An ambulance;
- 6 (5) A vehicle used by an organ procurement organization or agency for the
- 7 recovery and transportation of blood, human tissues, or organs for
- 8 transplantation;
- 9 (6) A fire-fighting vehicle;
- 10 (7) A school bus;
- 11 (8) A vehicle operated by any member of a municipal or rural fire department in
- 12 the performance of his duties, regardless of whether members of that fire
- 13 department are paid or voluntary;
- 14 (9) A vehicle of a voluntary lifesaving organization (including the private
- 15 vehicles of the members of such an organization) that has been officially
- 16 approved by the local police authorities and which is manned or operated by
- 17 members of that organization while answering an official call;
- 18 (10) A vehicle operated by medical doctors or anesthesiologists in emergencies;
- 19 (11) A motor vehicle used in law enforcement by the sheriff, or any salaried rural
- 20 policeman in any county, regardless of whether or not the county owns the
- 21 vehicle;
- 22 (11a) A vehicle operated by the State Fire Marshal or his representatives in the
- 23 performance of their duties, whether or not the State owns the vehicle;
- 24 (12) A vehicle operated by any county fire marshal, assistant fire marshal, or
- 25 emergency management coordinator in the performance of his duties,
- 26 regardless of whether or not the county owns the vehicle;
- 27 (13) A light required by the Federal Highway Administration;
- 28 (14) A vehicle operated by a transplant coordinator who is an employee of an
- 29 organ procurement organization or agency when the transplant coordinator is
- 30 responding to a call to recover or transport human tissues or organs for
- 31 transplantation;
- 32 (15) A vehicle operated by an emergency medical service as an emergency
- 33 support vehicle; and
- 34 (16) A State emergency management vehicle.
- 35 (17) An Incident Management Assistance Patrol vehicle operated by the
- 36 Department of Transportation.

37 (c) It is unlawful for any person to possess a blue light or to install, activate, or operate
38 a blue light in or on any vehicle in this State, except for a publicly owned vehicle used for law
39 enforcement purposes or any other vehicle when used by law enforcement officers in the
40 performance of their official duties. As used in this subsection, unless the context requires
41 otherwise, "blue light" means any forward facing blue light installed on a vehicle after initial
42 manufacture of the vehicle; or an operable blue light which:

- 43 (1) Is not (i) being installed on, held in inventory for the purpose of being
- 44 installed on, or held in inventory for the purpose of sale for installation on a
- 45 vehicle on which it may be lawfully operated or (ii) installed on a vehicle
- 46 which is used solely for the purpose of demonstrating the blue light for sale
- 47 to law enforcement personnel;
- 48 (1a) Is designed for use by an emergency vehicle, or is similar in appearance to a
- 49 blue light designed for use by an emergency vehicle; and
- 50 (2) Can be operated by use of the vehicle's battery, the vehicle's electrical
- 51 system, or a dry cell battery.

(c1) The provisions of subsection (c) of this section do not apply to the possession and installation of an inoperable blue light on a vehicle that is inspected by and registered with the Department of Motor Vehicles as a specially constructed vehicle and that is used primarily for participation in shows, exhibitions, parades, or holiday/weekend activities, and not for general daily transportation. For purposes of this subsection, "inoperable blue light" means a blue-colored lamp housing or cover that does not contain a lamp or other mechanism having the ability to produce or emit illumination.

(d) Repealed by Session Laws 1999-249, s. 1.

(e) Violation of subsection (a) or (c) of this section is a Class 1 misdemeanor."

SECTION 10. G.S. 20-294 reads as rewritten:

"§ 20-294. Grounds for denying, suspending or revoking licenses.

The Division may deny, suspend, or revoke a license issued under this Article for any one or more of the following grounds:

...

(2) Willfully and intentionally failing to comply with this Article, Article 15 of this Chapter, or G.S. 20-52.1, 20-75, 20-79.1, 20-79.2, 20-108, 20-109, or a rule adopted by the Division under this Article.

..."

SECTION 11. This act becomes effective December 1, 2010, and applies to offenses committed on or after that date.